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In re Application of :  
YOUNG-MAN PARK *et al* :  
U.S. Application No.: 10/562,605 :  
PCT No.: PCT/KR2004/001569 :  
Int. Filing Date: 28 June 2004 :  
Priority Date: 27 July 2003 :  
Attorney Docket No.: B-5851PCT 623146-3 :  
For: TWO-FACTOR AUTHENTICATED KEY :  
EXCHANGE METHOD AND :  
AUTHENTICATION METHOD USING :  
THE SAME, AND RECORDING :  
MEDIUM STORING PROGRAM :  
INCLUDING THE SAME :

## DECISION

This decision is in response to applicants' "Renewed Petition Under 37 CFR 1.181" filed 04 May 2009.

### BACKGROUND

On 21 April 2009, a decision dismissing applicants' petition to withdraw the holding of abandonment was mailed. Applicants were given two months to respond.

On 04 May 2009, applicants submitted a renewed petition which was accompanied by, *inter alia*, a date-stamped postcard receipt for documents and a copy of the documents purportedly filed 25 August 2006.

### DISCUSSION

The date-stamped postcard receipt received at the Office of PCT Legal Administration with the original petition filed 22 January 2009 were stamped "CANCELLED" by OIPE.

As such, the postcard receipt did not constitute *prima facie* evidence that a response to the Notification of Missing Requirements mailed 28 April 2006 containing a declaration and a check for \$450.00 and a check for \$130.00 was received.

In the renewed petition, applicants assert that the OIPE date stamps were not cancelled at the time the petition was filed. Applicants submitted a copy of the date-stamped postcard receipt for the documents purportedly filed 25 August 2006. The

additional postcard receipt was not stamped "CANCELLED."

A further review of the date-stamped postcard receipt filed in the original petition verifies applicants' claim. The postcard receipts were stamped "CANCELLED" by OIPE and given a date stamp of the filing of the original petition, *i.e.*, 22 January 2009. This appears to have been done in error by OIPE personnel. Therefore, the date-stamped postcard receipts submitted in the renewed petition will be considered as presented.

MPEP § 503 lists procedures to ensure receipt of any paper filed in the USPTO. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

In this case, applicants provided a copy of the date-stamped postcard receipt for the documents submitted 22 January 2009. The postcard receipt records that among the papers received in the USPTO included an "executed Declaration/Power of Attorney (4 pages), Check No. 21802 for \$450.00, and Check No. 21803 for \$130.00." The postcard receipt is stamped "OIPE AUG 25 2008" across its face. The U.S. application number, docket number, title and name of the applicants are all listed on the postcard receipt.

Accordingly, applicants have provided *prima facie* evidence that the declaration and fees were originally received by the USPTO on 25 August 2006.

### **DECISION**

For the reasons noted above, applicants' petition to withdraw the holding of abandonment is **GRANTED**.

The Form PCT/DO/EO/909 mailed 26 December 2006 is **VACATED**.

The declaration originally filed 25 August 2006 complies with the requirements of 37 CFR 1.497(a) and (b).

While there is evidence that the Office received the check for \$450.00 to pay the extension fee and a check for \$130.00 to pay the surcharge fee, there is no evidence that these checks were cashed by the Office. Accordingly, these fees have been charged to Deposit Account No. 12-0415 as authorized.

If applicants believe that these fees have been paid twice, a request for refund with accompanying documentary evidence will be considered.

Applicants have completed the requirements for acceptance under 35 U.S.C.

371(c). The application has an international filing date of 28 June 2004, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 25 August 2006.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

A handwritten signature in cursive script that reads "James Thomson".

James Thomson  
Attorney Advisor  
Office of PCT Legal Administration

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